

REMARKS

Claims 1-3, 8-12, and 14-19 are pending in this application.

Applicants have amended claims 1, 8, 9, and 12, and have canceled claims 4-7, 13, and 20-22. These changes do not introduce any new matter.

Applicants respectfully request reconsideration of the rejection of claim 1 and 20 under 35 U.S.C. § 112, second paragraph, as being indefinite (as noted above, Applicants have canceled claim 20 herein). Applicants have amended claim 1 to address the indefiniteness issue raised by the Examiner. Accordingly, Applicants submit that claim 1 now satisfies the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of this claim thereunder be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-5 and 8-19 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. In support of the rejection, the Examiner states “the invention as claimed is non-statutory because there is no useful result. Nothing is being done with the transformed received message.” Office Action at page 2. As amended herein, independent claims 1 and 12 specify operations (claim 1) and features of the daemon (claim 12) that involve the use of the transformed received message to achieve a useful result. Accordingly, Applicants submit that the presently claimed subject matter is statutory and request that the rejection under 35 U.S.C. § 101 be withdrawn.

Applicants respectfully request reconsideration of the rejection of claims 1-6, 8, 10-12, 14-20, and 22 under 35 U.S.C. § 102(e) as being anticipated by *Merrick et al.* (U.S. Patent No. US 7,028,312 B1) (as noted above, Applicants have canceled claims 4-6, 20, and 22 herein). Applicants have amended independent claims 1 and 12 to include features that are not shown in the *Merrick et al.* reference. In particular, claim 1 has been amended to specify, among other things, “transforming the received message into a database instruction when the received message is a simplified instruction, the transforming including dynamically

identifying a structured query language (SQL) instruction from the simplified instruction.”

Claim 1 has been further amended to specify that the SQL instruction is executed to produce a result, and the result is sent to the first processing machine, with the result being produced as the result of processing within the first testing machine and the processing required the result to continue, and with the first processing machine receiving the result set and resuming processing. Corresponding changes have been made to system claim 12. Support for the changes to claims 1 and 12 can be found in Applicants’ specification at, e.g. Paragraphs [31]-[36].

The *Merrick et al.* reference discloses a remote procedure call (RPC) mechanism that uses a message expressed in a mark-up language message encoding such as XML. The RPC mechanism shown in the *Merrick et al.* reference does not include the features now specified in claims 1 and 12. With regard to the Examiner’s assertion that the *Merrick et al.* reference discloses the dynamic identifying of an SQL instruction, Applicants note that the disclosed XML RPC involves the transmission of an XML-based message from which arguments are extracted. A query template is then applied to the extracted arguments to generate an SQL query from the arguments (see *Merrick et al.* at column 16, lines 48-64). The use of an XML-based message as shown in *Merrick et al.* is not the same as the transforming of the received message into a database instruction when the received message is a simplified instruction as specified in the presently claimed subject matter. Further, the *Merrick et al.* reference does not disclose the other features added to the claims herein, which features help enable data produced by client machines to be transmitted to a database server in real time (or substantially in real time).

In addition, with regard to the Examiner’s assertion that the *Merrick et al.* reference discloses a database server that includes a daemon, Applicants have reviewed the portions of the *Merrick et al.* reference cited by the Examiner (i.e., column 16, lines 48-64, and column

18, lines 29-39) and find no mention of a daemon. As such, for at least this reason, Applicants submit that a *prima facie* case of anticipation has not been established regarding the claimed subject matter.

Accordingly, for at least the foregoing reasons, claims 1 and 12, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Merrick et al.* Claims 2, 3, 8, 10, and 11, each of which ultimately depends from claim 1, and claims 14-19, each of which ultimately depends from claim 12, are likewise patentable under 35 U.S.C. § 102(e) over *Merrick et al.* for at least the same reasons set forth above regarding the applicable independent claim.

Regarding the obviousness rejections of claims 7, 9, 13, and 21, Applicants note that claims 7, 13, and 21 have been canceled herein. Claim 9 ultimately depends from claim 1. The *Rossiter et al.* reference does not cure the above-discussed deficiencies of the *Merrick et al.* reference relative to the claimed subject matter. Accordingly, claim 9 is patentable under 35 U.S.C. § 103(a) over the combination of *Merrick et al.* in view of *Rossiter et al.* for at least the reason that this claim depends from claim 1.

Furthermore, the *Birrell et al.* reference does not cure the above-discussed deficiencies of the *Merrick et al.* reference relative to the claimed subject matter. As such, Applicants submit that independent claims 1 and 12, as presented herein, are patentable under 35 U.S.C. § 103(a) over *Merrick et al.* whether considered alone or in combination with one or both of *Birrell et al.* and *Rossiter et al.*

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-3, 8-12, and 14-19, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any additional

Application No. 10/749,974
Amendment dated December 1, 2006
Response to Office Action dated June 1, 2006

fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MXICP014).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, L.L.P.

A handwritten signature in black ink, appearing to read 'P. Martine', with a long horizontal flourish extending to the right.

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